

REMARKS

Claims 1-3, and 7-46 are pending. Claims 19-33 and 35-46 were previously withdrawn. Claims 4-6 were canceled. Claims 1-3, 7-18 and 34 are rejected.

Claims 12 and 17 have been amended to show that the chemically functional groups in claims 12 and 17 are the same chemical functional groups as those recited in respective independent claims 1 and 15. No new matter was added.

Claims 1 and 15 have been amended to show that the superoxide dismutase mimetic (SODm) compounds have been grafted to heparin. Support is found on page 12, lines 10-13. No new matter was added.

Additional Inventor Added

Christopher J. Buchko is added as an additional inventor to the present application. Filed with this Amendment is:

1. A new Declaration For Patent Application and Power of Attorney signed by all of the inventors;
2. A Statement of Non-Deceptive Intent Of Christopher J. Buchko; and
3. A Petition To Add Inventors Under 37 CFR 1.48(a)

Declarations Under 37 CFR 1.132

The individual Declarations of Eugene Michal and Christopher Buchko under 37 CFR § 1.132 are filed with this Amendment for use in the 102(e) rejections as discussed below.

Rejections under 35 U.S.C. § 112

First Rejection under 35 U.S.C. 112

Claims 12 and 17 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The amendments to claims 12 and 17 should obviate the rejections under § 112. Reconsideration and withdrawal are requested.

Second Rejection under 35 U.S.C. 112

Claims 1 and 15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The amendments to claims 1 and 15 should obviate the rejections under § 112. Reconsideration and withdrawal are requested.

Rejection under 35 U.S.C. § 102

Claims 1-3, 7-18 and 34 are rejected under 35 U.S.C. 102(e) as being anticipated by Michal et al (6,541,116) (Michal '116)..

Applicants have filed herewith, the 37 CFR § 1.132 declarations of Eugene Michal and Christopher Buchko to show that any invention disclosed but not claimed in the Michal '116 reference was derived from an inventor of this application and thus not the invention "by another." Therefore, the Michal '116 reference is disqualified under § 102(e) as a reference against the present application. Reconsideration and withdrawal of the rejections are respectfully requested.

CONCLUSION

Withdrawal of the rejection and allowance of the claims are respectfully requested.

If the Examiner has any suggestions or amendments to the claims to place the claims in condition for allowance, applicant would prefer a telephone call to the undersigned attorney for approval of an Examiner's amendment.

If the Examiner has any questions or concerns, the Examiner is invited to telephone the undersigned attorney at (415) 954-0315.

The undersigned authorizes the examiner to charge any fees that may be required or credit of any overpayment to be made to Deposit Account No. **07-1850**.

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Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111
Telephone (415) 954-0315
Facsimile (415) 393-9887

Respectfully submitted,

/RPA/
Robert P. Auerbach
Reg. No. 46,525